

5.7 Cultural Resources

Information contained in this section is summarized from the cultural resources reports, *A Cultural Resources Study for the Dos Colinas Project*, prepared by Brian F. Smith and Associates (December 27, 2005; Revised August 2, 2010) and *An Archaeological Study of the Rancho Carlsbad Maintenance Area*, prepared by Brian F. Smith and Associates (February 10, 2005). These documents are provided in Appendix F on the attached CD of Technical Appendices found on the back cover of this EIR.

5.7.1 Existing Conditions

The approximately 55.7 acre project site was surveyed for cultural resources. Additionally, the proposed off-site improvement areas associated with the proposed storm drain improvements and off-site road access were surveyed as part of the 2010 survey report. The area proposed for the off-site sewer road, and parking improvements to the north of the CCRC site was surveyed as part of the 2005 Rancho Carlsbad Maintenance Area cultural resources study (Smith, 2005). The purpose of these investigations was to complete a records search of previously recorded archaeological sites on or near the property, to test and evaluate known cultural resources within the project boundaries, to determine the significance of cultural resources within the project boundaries, and to determine the effect of the proposed project on resources.

The archaeological records search revealed that three previously recorded cultural resources are within the project boundaries, one previously recorded site is located within the off-site improvement area to the north of the CCRC site, and 80 additional sites are located within one-mile of the project area. In addition, a potentially historic house was identified within the project site. The following describes the cultural resources identified within the 55.7-acre survey area as well as the off-site improvements area.

5.7.1.1 Historical Resources

A pedestrian survey was conducted on January 9, 2010 in order to relocate archaeological sites within the project area. The survey resulted in the identification of a potentially historic house located within the northern portion of the 5.19-acre open space parcel proposed in association with the CCRC site. Based on information provided by the San Diego County Assessor's Office, the home was built around 1960. Despite the age of the house, a large amount of modifications have occurred to the property including the addition of a secondary garage, a breezeway connecting the original garage, and the addition of a brick façade and siding (BFSA, 2010). Moreover, a large amount of damage has occurred on the east side of the house.

5.7.1.2 Archaeological Resources

The archaeological records search and a review of previous BFSA archaeological studies identified 80 sites located within a one-mile radius of the project area. In addition, three previously recorded cultural resource sites are located within the project site. These three sites (SDI-9093, SDI-9615, and SDI-P-37-018284) are prehistoric sites and have been recently tested to determine their significance according to Section 15064.5 of the CEQA Guidelines and the City of Carlsbad's cultural resource guidelines.

Site SDI-9093 was recorded in 1981 as a low-density scatter of four *Chione* marine shell fragments and one andesite flake. The site has been relocated twice as part of a pedestrian survey (BFSA, 2010). The testing program for this site consisted of an intensive surface survey and a series of shovel test pits (STPs) to determine if any subsurface deposits were present. The result of the testing program for SDI-9093 (BFSA, 2010) indicates that the site is deflated and lacks surface and subsurface deposits.

Site SDI-9615 was recorded in 1982 as a low-density scatter of *Chione* marine shell fragments and fine-grained metavolcanic flakes. The site was relocated in 2001 during a pedestrian survey (BFSA, 2010). One complete bifacial mano was identified during a surface collection. However, a series of shovel test pits (BFSA, 2010) did not encounter any other artifacts on the project site.

Site SDI-P-37-018284 was first recorded in 1998 as two isolate flakes and a single piece of shell. The isolate shell and flake are still in their recorded location.

Off-site Improvement Area

Several off-site improvements are proposed immediately north of the CCRC site. These include the extension of Don Carlos Drive, sewer line and access road, parking, and turnaround and trash area. The area of these proposed offsite improvements was surveyed in 2005.

SDI-15,073 was recorded in 1999, and was previously tested and evaluated during two separate projects. SDI-15,073. This site is described as consisting of bedrock milling features, limited surface artifacts, and a sparse, shallow subsurface deposit. Site SDI-15,073 was determined to be not a significant resource according to Section 15064.5 of the CEQA Guidelines and the City of Carlsbad's cultural resource guidelines.

Senate Bill 18 Native American Consultation

Senate Bill 18, which added new provisions to the Government Code (specifically, Section 65352.3 and 65352.5) requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places. In July 2010, the City requested a Native American Tribal Consultation List from the Native American Heritage Commission (NAHC). In response, the NAHC provided a Tribal Consultation List of tribes with traditional lands or cultural places within the project area. A NAHC Sacred Lands File search was also conducted and no Native American cultural resources were found within the "area of potential effect" (i.e., project boundaries); however, Native American cultural resources were identified in proximity to the project site based on the Sacred Lands File search.

In compliance with SB18, the City has initiated consultation with the nine tribes identified by the NAHC on the Tribal Consultation List. The City formally corresponded to each tribe in a letter dated July 20, 2010 that provided a description of the project, and the cultural resource survey and findings for the project. The City requested a response within 90 days of receipt of the correspondence. The City subsequently met with representatives of the San Luis Rey Band of Luiseño Indians on August 31, 2010 to discuss their concerns related to the proposed project's potential impacts to cultural resources and proposed mitigation

and sacred sites, and the proper treatment of cultural resources or Native American human remains if displaced by project construction.

5.7.2 Threshold for Determining Significance

Appendix G of the CEQA Guidelines is used to provide direction for determination of a significant cultural resources impact. For purposes of this EIR, a significant impact will occur if the proposed project would:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines; or,
- Disturb any human remains, including those interred outside of formal cemeteries.

City of Carlsbad Cultural Resource Guidelines – A cultural resource is considered significant when it:

- Exemplifies or reflects special elements of the City's cultural social, economic, political, aesthetic, engineering, or architectural history;
- Is identified with persons or events significant in local, state, or national history;
- Embodies distinctive characteristics of a style, type, period, or method of construction, is a valuable example of the use of indigenous materials or craftsmanship, or is representative of a notable work of an acclaimed builder, designer, or architect;
- Is an archaeological, paleontological, botanical, geological, topographical, ecological, or geographical site which has the potential of yielding information of scientific value; or,
- Is a geographically definable area possessing concentration of sites, buildings, structures, improvements, or objects linked historically through location, design, setting, materials, workmanship, feeling, and/or association, in which the collective value of the improvements may be greater than the value of each individual improvement.

5.7.3 Environmental Impact

5.7.3.1 Historical Resources

A potentially historic house built around 1960 is located within the northern portion of the 5.19-acre open space parcel associated with the CCRC site. There have been a large number of modifications (i.e., garage and breezeway) and damage to the original structure of the house. In addition, the existing home is not identified by the state or local register of historic resources. As such, the house would not qualify as a significant resource pursuant to Section 15064.5 of the CEQA Guidelines. Further, due to the large degree of modifications and damage that has occurred to the structure, it no longer embodies "distinctive characteristics of a style, type, period, or method of construction that is a valuable example of the use of indigenous materials or craftsmanship." Therefore, the house is not considered a significant resource pursuant to the City of Carlsbad cultural resource guidelines no significant impact would occur.

5.7.3.2 *Archaeological Resources*

The three previously recorded cultural resources (SDI-9093, SDI-9615, and SDI-P-37-018284) located within the project area have been evaluated pursuant to Section 15064.5 of the CEQA Guidelines and the City of Carlsbad's cultural resource guidelines. As defined in the CEQA Guidelines, a cultural resource is important when the resource: "Can provide information which is of both demonstrable public interest and useful in addressing scientifically consequential and reasonable or archaeological research questions." According to the cultural resources report: Site SDI-9093 is deflated and lacks surface and subsurface deposits; Site SDI-9615 lacks significant surface or subsurface artifacts; and, Site SDI-P-37-018284 lacks artifacts and is considered an isolate. The three previously recorded cultural resources lack further research potential and are considered not significant under the CEQA Guidelines. Furthermore, these resources are not considered significant under the City of Carlsbad's cultural resource guidelines, as the three resources would have no potential of yielding information of scientific value. Additionally, Site SDI-15,073, which is located within the off-site improvement area immediately north of the CCRC site, is not considered significant under the CEQA Guidelines and the City of Carlsbad's cultural resource guidelines.

However, due to the project area containing dense scattering of prehistoric sites and its location near the Agua Hedionda Lagoon, a major resource center for prehistoric populations (the San Dieguito Complex, La Jolla Complex, and Luiseño Indians), there is the potential that previously undiscovered archaeological resources could be encountered during grading activities on either portion of the project site (CCRC site or affordable housing site). This is considered a significant impact. Therefore, a qualified archaeologist is required to monitor all ground altering construction activities within the project area. Implementation of Mitigation Measures CR-1, CR-2, and CR-3 will reduce the impact to a level less than significant.

5.7.4 Mitigation Measures

5.7.4.1 *Historic Resources*

No mitigation measures are proposed, as no significant impact to historic resources have been identified.

5.7.4.2 *Archaeological Resources*

Prior to the issuance of grading permits for any phase of development, the following mitigation measure shall be implemented for both the CCRC site (including the RV storage and garden area) and the affordable housing site:

- CR-1** Monitoring of brushing, grading, and trenching shall be required during the construction of the project in order to identify any significant components of each archaeological site that were not observed during data recovery excavations. Monitoring will also focus on any potential to discover sites that were not identified in the previous surveys due to the resources being buried or masked from view. In the event that any previously unrecorded sites are discovered during brushing, grading, or trenching, a significance evaluation shall be performed, and, if the resource is found to be important, appropriate mitigation shall be applied before grading can resume at the

location of the discovery. Appropriate mitigation would consist of implementation of a data recovery program.

All archaeological resources, unless otherwise required by law and other than burial-related artifacts, that are excavated or removed from prehistoric or historic sites during testing, data recovery projects and all associated project data, including but not limited to field notes, photos, catalogues and final reports will be permanently curated at a qualified repository as defined by the "State of California Guidelines for the Curation of Archaeological Collections." Owner (project developer) agrees additionally to execute a release of title form and to pay such fees as required for curation that are in effect at such qualified repository at the time of curation. All curation shall be accomplished within six (6) months from completion of project.

The applicant shall provide verification that a qualified archaeologist and/or archaeological monitor has been retained to implement the archaeological construction monitoring and data recovery programs. Prior to issuance of a grading permit for any phase of the development, verification shall be documented by a letter from the applicant and the archaeologist/archaeological monitor to the City.

Additionally, the following measures shall be implemented prior to and during grading activities:

CR-2 As a means of mitigating cultural concerns of the San Dieguito Complex, La Jolla Complex, and Luiseño Indians, monitoring of grading in the archaeological site locations shall be performed by either knowledgeable San Dieguito Complex, La Jolla Complex, Luisenos or archaeologists. The field monitors shall have the authority to temporarily halt grading and to examine prehistoric resources if they are encountered. Prior to the commencement of grading for the CCRC site (including the RV storage and garden area) and Affordable Housing Site, respectively, the Construction Contractor shall meet with the Archaeological Monitor to determine when grading and archaeological monitoring would take place in proximity to archaeological sites.

CR-3 Prior to commencement of grading of the CCRC site (including the RV storage and garden area) and Affordable Housing Site, the developer shall enter into a pre-excavation agreement with a representative of the San Luis Rey Band of Mission Indians. The purpose of the agreement will be to formalize procedures for the treatment of Native American human remains, burial, ceremonial or cultural sites that may be uncovered during any ground disturbance activity.

In the event archaeological features are discovered, the archaeological monitor shall be empowered to suspend work in the immediate area of the discovery until such time as a data recovery plan can be developed and implemented. Work outside the area of the find shall proceed along with the continuation of archaeological monitoring.

5.7.5 Impact After Mitigation

Implementation of the proposed project would not result in a significant impact to the three previously recorded cultural resources located within the project area; however, there is the potential that additional, previously undiscovered cultural resources be encountered during grading activities associated with project development. Implementation of Mitigation Measures CR-1, CR-2, and CR-3 will reduce the impact to archaeological resources to a level less than significant.